

REMARKS

I. Preliminary remarks

Claims 11, 13 and 14 are amended to depend from claim 60, which the Examiner indicated is directed to allowable subject matter in a telephone call with the undersigned on July 23, 2008. Claim 13 is also amended to recite an "isolated" cell. Support for this amendment can be found, for example, at pages 23-24. Accordingly, no new matter has been added by the amendments to these claims.

Claims 1-3, 8, 57 and 58 are canceled solely to expedite prosecution of the application and not for reasons pertaining to patentability. Applicant reserves the right to pursue the subject matter of any claim (whether original, amended, or canceled) in continuing applications.

II. The rejection under 35 U.S.C. § 112, first paragraph (written description), should be withdrawn.

The Examiner rejected claims 1-3, 8, 11-14, 57, 58 and 60 under 35 U.S.C. § 112, first paragraph, as allegedly failing to be supported by the specification. The rejection is moot in view of the amendments made herein.

Claim 60 is directed to a nucleic acid molecule that encodes a specific polypeptide consisting of amino acids 128-224 of SEQ ID NO: 8 that is fully supported by the application as filed. See, for example, at page 3. The remaining pending claims (i.e., claims 11, 12 and 14) depend either directly or indirectly from claim 60.

In view of the foregoing, Applicants respectfully request that the rejection of claims 11-14 and 60 (claims 1-3, 8, 57 and 58 having been canceled) under 35 U.S.C. § 112, first paragraph (written description), be withdrawn.

III. The rejection under 35 U.S.C. § 112, first paragraph (enablement), should be withdrawn.

The Examiner rejected claims 1-3, 8, 11-14, 57, 58 and 60 under 35 U.S.C. § 112, first paragraph, as allegedly failing to be supported by the specification. The rejection is moot in view of the amendments made herein.

As discussed above in Section II, claim 60 is directed to a nucleic acid molecule that encodes a specific polypeptide consisting of amino acids 128-224 of SEQ ID NO: 8 that is fully supported by the application as filed. See, for example, at page 3. Because the specifically discloses the polypeptide recited in the claims, no undue experimentation is required in order to make the claim-recited polypeptide. The remaining pending claims (i.e., claims 11, 12 and 14) depend either directly or indirectly from claim 60.

Amended claim 13 is directed to an "isolated" cell. No undue experimentation is required for transforming or transfecting an isolated cell with the claim-recited polynucleotide.

In view of the foregoing, Applicants respectfully request that the rejection of claims 11-14 and 60 (claims 1-3, 8, 13, 57 and 58 having been canceled) under 35 U.S.C. § 112, first paragraph (enablement), be withdrawn.

IV. Conclusion

For the foregoing reasons, Applicants requests withdrawal of all outstanding rejections and allowance of the pending claims. No other fees are believed to be due with the filing of this paper. However, the Director is authorized to charge any additional fees deemed necessary to Deposit Account No. 13-2855, under order number 01017/37109A.

If the examiner believes that a telephone conversation would expedite allowance of the claims, he is invited to contact the undersigned agent or David A. Gass, Attorney for Applicant, at the number below.

Dated: August 1, 2008

Respectfully submitted,

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